

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES SOCIAL SECURITY	:	CIVIL ACTION NO. 11-2928 (MLC)
ADMINISTRATION and NEAL PRASAD,	:	
	:	
Plaintiffs,	:	O P I N I O N
	:	
v.	:	
	:	
JAMES MCVAUGH, et al.,	:	
	:	
Defendants.	:	
_____	:	

THE PLAINTIFF NEAL PRASAD, who is pro se, brought this action (1) asserting a qui tam claim pursuant to the False Claims Act ("FCA"), 31 U.S.C. § 3730, for fraudulent collection of Social Security disability benefits, and (2) to recover damages under state law for tortious interference with business relations, tortious interference with prospective economic advantage, defamation, and false light. (See dkt. entry no. 1, Compl.)

THE COURT, in a Notice dated January 29, 2013, advised Prasad that (1) he had failed to prosecute the action for more than 120 days, and (2) the claims would be dismissed on February 20, 2013, without further notice in accordance with Local Civil Rule 41.1 unless, inter alia, he resumed prosecution of the action. (See dkt. entry no. 12, Notice.)

THE OFFICE OF THE UNITED STATES ATTORNEY has notified the Court that the United States declines to intervene in the action. (See dkt. entry no. 13, Notice of Declination.)

PRASAD has failed to contact the Court, even though the time to do so has long expired. The Court also notes that Prasad, as a pro se plaintiff, is not authorized to pursue a qui tam claim when the United States declines to intervene. See United States ex rel. Mergent Servs. v. Flaherty, 540 F.3d 89, 93-94 (2d Cir. 2008); United States ex rel. Fisher v. Network Software Assocs., 377 F.Supp.2d 195, 196-97 (D.D.C. 2005). The Court thus intends to dismiss the Complaint for lack of prosecution. For good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: May 9, 2013